

# State of California



## **SECRETARY OF STATE CONDITIONAL APPROVAL OF USE OF CERTAIN *DIEBOLD ELECTION SYSTEMS, INC.* OPTICAL SCAN VOTING SYSTEMS**

I, MARK L. KYLE, Undersecretary of State of the State of California, do hereby certify that:

1. *Diebold Election Systems, Inc.* of McKinney, Texas ("Vendor"), has requested approval for use in California elections of its GEMS Version 1.18.19 to be used in conjunction with AccuVote-OS Version 2.0.12 (Central Scanner) as well as its Procedures for AccuVote-OS submitted on or about September 8, 2004.
2. The voting system described above has been federally qualified as evidenced by the federal Independent Testing Authority reports and the assigned NASED Number N-1-06-12-12-004, dated September 24, 2004.
3. The voting systems have been determined to be in compliance with California law by the State's Voting System Technical Expert, with the addition of certain security enhancements as indicated below.
4. The request for approval of the voting systems as described in Paragraph 1, was considered at a duly noticed public hearing held September 14, 2004, at Sacramento, California.
5. The Voting Systems and Procedures Panel and the State's Voting System Technical Expert have recommended that the request for approval be granted, with certain conditions.
6. Diebold Election Systems, Inc.'s GEMS Version 1.18.19 to be used in conjunction with AccuVote-OS Version 2.0.12 (Central Scanner) as well as its Procedures for AccuVote-OS, are hereby approved for use subject to the following terms and conditions:

- a. No substitution or modification of the voting systems described in Paragraph 1 shall be made with respect to any component of the voting systems, including the Procedures submitted on or about September 8, 2004, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy and efficiency of the voting systems sufficient to require a re-examination and approval;
- b. Vendor shall replace any system component for GEMS or AccuVote-OS central scanner that lacks State approval for use (certification) in all client jurisdictions in the State, with certified components contained herein, in sufficient time for use in the November 2004 General Election;
- c. The Secretary of State reserves the right, with reasonable notice to Vendor and to the counties using any of the voting systems, to modify the Procedures used with any of the voting systems and to impose additional requirements with respect to the use of any of the systems if the Secretary of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or security of any of the voting systems. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full;
- d. Any county using any voting system described in Paragraph 1 shall, prior to such use, file with the California Secretary of State a copy of its Election Observer Panel plan;

IN WITNESS WHEREOF, I hereunto set my hand  
and affix the Great Seal of the State of  
California, this 28th day of September, 2004.



A handwritten signature in blue ink, appearing to read 'Mark L. Kyle', is written over the printed name.

MARK L. KYLE  
Undersecretary of State